



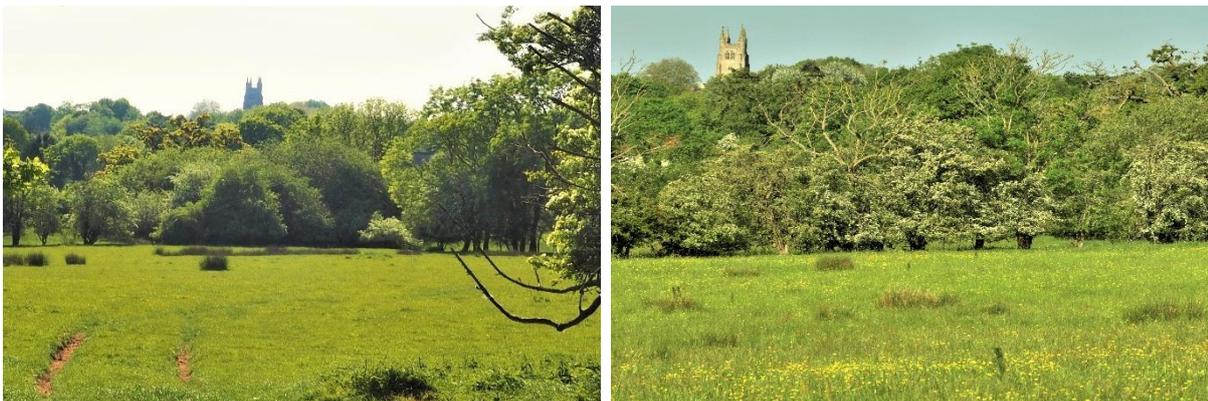
Tenterden Nature Recovery Partnership

Comments on Wates Developments Ltd/Judith Ashton Assc appeal APP/E2205/W/21/3284479

In reviewing the Appeal submitted by Judith Ashton Associates on behalf of Wates Developments Limited, the comments below confine themselves to the Landscape, Arboricultural and Biodiversity arguments set out by the Appellant in section 7.5 (pages 33-43) of their Statement of Case for planning permission.

1. **NEGATIVE EFFECTS ON THE VISUAL LANDSCAPE** Sections 7.5.6 – 7.5.18 of the Appeal

The Appeal defends statements in the Landscape and Visual Appraisal (LVA) study attached to the application on the basis that the main negative impact of development would be confined to the western area of the site, which they imply to be less 'critical' visually than its eastern aspect. This involves a clearly biased value judgement suggesting it is more acceptable to compromise views of a timeless pastoral scene containing a variety of traditional landscape elements (e.g. unimproved grassland, undisturbed ponds and wetland, ancient hedgerows, with numbers of notable or veteran trees), than to disturb a more recently worked area of semi-improved pasture offering from one point on the public footpath a wider prospect.



Views of the western area of the site from the AB12 public footpath.

In 7.5.12, having acknowledged that the 'highest levels of visual impact' resulting from the proposed development would be from the AB12 PRoW looking west, the Appellant maintains that walkers would experience 'enhanced habitats' (involving wildflower seeding and the addition of an orchard in the extreme north of the site) when looking east – whilst ignoring the negative visual impact from that direction, or indeed from almost anywhere on the footpath, of a levelled football field and brick-built pavilion with car parking in place of former meadowland.

In 7.5.13 in addition to the visual impact of the development on footpath walkers (especially relevant in the event of the historical circular AB70 PRoW being approved by the Secretary of State), the Appellant acknowledges a 'major/moderate' effect on residents whose houses fringe it. But fails to mention that as many as 46 properties would be so affected.

Concluding arguments in support of the development in terms of its effect on the existing landscape, in 7.5.16 the Appellant refers to statements in their LVA that: *'The development would conserve and enhance the natural environment by protecting and reinforcing the existing hedgerow network and mature trees and creating extensive areas of new habitat.'* Also that: *'It sits sympathetically... having minimal effect on surrounding landscape, and also enhances the setting by creating a new country park to the east.'*

The former argument is at odds with Kent Wildlife Trust's objection to the application of 11th June 2021, which states unequivocally that the plan: *'will lead to a measurable net loss in biodiversity, in contravention of paragraphs 170 and 175 of the National Planning Policy Framework'* – while for the latter argument, it's disingenuous of the Appellant to claim that the addition of up to 145 houses, a sports pavilion and a football pitch will either 'minimally affect' the surrounding landscape or 'enhance its setting'.

2. ARBORICULTURAL IMPLICATIONS

Sections 7.5.19 – 7.5.37. of the Appeal

7.5.19-7.5.22 relate to the removal of a mature horse chestnut tree from the iconic avenue of trees which line the north-eastern approach to Tenterden along the Appledore Road and contribute so much to the town's green character. Or, in the words of the Kent Highways Services Tree Policy, *'form part of a feature, e.g. avenue that contributes significantly to the local amenity'*. The Appellant justifies the tree's removal as a 'least arboriculturally harmful' option – presumably on the assumption that a new entry road transecting the avenue is *essential* – claiming by a similar process of reasoning that its loss would have a 'minimal' or 'minor' visual impact. No reference is made to the vital importance of mature trees (as opposed to replanted saplings which take 30 years to mature) as agents of carbon sequestration – nor to the damage to root and mycorrhizal networks this tree's removal and the construction of a new roadway would inflict on its neighbouring chestnut (T44 on the arboricultural plan) and mature oak (T39).

7.5.23 confirms the proposed removal of 46 trees to facilitate the development, 5 of them assessed as Category B (i.e. 'of moderate quality or value capable of making a significant contribution to the area for 20 or more years') – plus 7 more groups of trees – plus 7 further groups of trees/hedgerows, many of the latter grown to a significant height and dated by Hooper methodology to 400-600 years old. The Appellant claims that such significant destruction amounts to 'less than 10%' of the trees on or adjacent to the site – a figure that's appreciably reduced by including trees on the Appledore Road, and presented as a virtue at a time when established trees rooted in undisturbed soil have never been more valued for their ability to absorb and store atmospheric CO₂.

7.5.25 refers to the 'necessary' pruning of retained trees (i.e. those adjacent to housing), which again must threaten their ability to sequester carbon, or indeed survival long-term.

In 7.5.26 and 7.5.27 the Appellant implies that an 'ancient and veteran tree management plan' and the retention 'for the most part' of ancient hedgerows, will ensure the area can be developed 'without any adverse impact on the trees and landscape features within the

appeal site'. A claim based on the false assumption that the removal of topsoil, compaction of subsoil with heavy earth-moving equipment, destruction of vital mycorrhizal fungal networks and bacterial systems between the trees and hedges and the disruption of their water sources would not adversely affect their survival.

In 7.5.28–7.5.39 the Appellant devotes a great deal of space to criticising ABC's tree officer for on further consideration recording threats to numbers of trees overlooked in their previous application, and to lecturing him on the difference between veteran buffer zones and root protection areas. In their detailed defences of the current plan as it affects 2 trees in particular; an ancient field maple adjacent to the sports pitch in the proposed 'country park' (T381) and a veteran oak to the west of the site surrounded on all sides by housing (T312), the Appellant argues for 'morphing' or distortion of veteran buffer zones for both – ostensibly to reflect a 'guestimate' of where roots are likely to have developed, but in fact to avoid buildings in the one case and soil levelling/re-turfing in the other. In relation to the ancient field maple's affected RPA, they maintain to their own advantage but not the tree's that the species is 'good at tolerating root disturbance'.

From the Appellant's original Arboricultural Implications Report, it seems clear that many trees have been undervalued, with as many as 5 veteran and 1 ancient tree within the building zone misidentified against Ancient Tree Forum/Woodland Trust criteria, and as many as 14 RPAs miscalculated. When the developer's arboricultural plan is superimposed on their drainage plan, it's further obvious that proposed excavations of ponds and of *swales* (managed water run-offs) would cut right through the RPAs of at least 6 important English oak and maple trees (i.e. T87, T88, T89, T163, T164 and T313) in another clear miscalculation.

3. NEGATIVE EFFECT ON BIODIVERSITY Sections 7.5.40 – 7.5.53 of the Appeal

In these sections of the Appeal, the Appellant attempts to establish – against a great deal of well authenticated evidence to the contrary – that their development would not only 'avoid or minimise' potentially adverse effects on biodiversity, but would actually provide opportunities for Biodiversity Net Gain.

Against the statement in 7.5.41 that the site benefits from no statutory or non-statutory designation – in view of the unusually rich assemblage of protected species it's proven to support, there is every reason to believe it would more than qualify for designation as a Local Wildlife Site, Lowland Meadow Priority Habitat, possibly even as an SSSI, in the absence of an active planning application.

7.5.42 and 7.5.43 seek to 'mitigate through on-site measures' the additional pressures a major housing development and recreational 'county park' would place on the Local Wildlife Site and Ancient Woodland of Knock Wood, which adjoins the site to the north. How such measures could hope to control an influx of as many as 300 new residents is *not* explained.

7.5.44 and 7.5.45 state as fact that meadowland within the site is 'semi-improved grassland of varying quality, all of which is considered to be herb species-poor and as such of limited biodiversity value' – in contradiction of their ecologist EPR's earlier Ecological Assessment (ES), which recorded no less than 13 '*unimproved* grassland' vascular plant indicator species. The site is further characterised by waxcap fungi and

multitudes of anthills, both typical of unimproved grassland – which is now held to be of National and European significance and protected as a Habitat of Principal Importance under section 41 of the Natural Environment and Rural Communities Act. The distinction between semi-improved and *unimproved* grassland, which the Appellant attempts to confuse, is therefore of considerable importance.

Far from being of 'limited biodiversity value' or 'species-poor', in fact as many as 99 vascular plant species have been recorded for the site with the Kent and Medway Biological Records Centre (KMBRC), mostly during periods when it was heavily overgrazed with sheep. Its grassland actually supports large numbers of small mammals and reptiles, with KMBRC recorded assemblages of slow worms considered to be of county importance. As recently as spring 2021 the Appellant's new ecologist, Ecology Solutions, recorded 252 slow worms, 124 viviparous lizards and 6 grass snakes on the site, despite unusually cold and wet conditions.



Species-rich unimproved grassland and slow worm assemblage on site

7.5.46 In expressing an intention to retain and enhance habitats of greatest ecological interest, the Appellant states categorically that their development will be 'mostly contained to areas of lesser quality grassland located within the west of the site' – against all the ecological evidence of the largely unimproved grassland in the western sector being of greater value in terms of biodiversity than the semi-improved meadows to the east.

In 7.5.47 and 7.5.48 the Appellant claims that losses of habitat due to development will be 'more than mitigated' by measures including the provision of a country park with species-rich meadows, dedicated biodiversity ponds, and the 'enhancement and retention of multiple high quality hedgerows and treelines' – as if unaware that all these habitats are already in abundant existence without additional buildings or roadways to disrupt and separate them – or that further ecological enhancement of the site can and will be undertaken as part of ongoing local Nature Recovery initiatives.

In her objection to the development on 11th June of 2021, Kent Wildlife Trust Wilder Towns Manager, Nicky Britton-Williams, has drawn attention to discrepancies in the application's Defra Biodiversity Metric calculation, particularly in relation to their assessment of grassland (as in 7.5.46 above) – to conclude in the face of the Appellant's prediction of a net biodiversity gain 'in excess of the requirements of the Environment Bill', that the application should be refused on grounds of a '*significant measurable LOSS to biodiversity*'.

In 7.5.49–7.5.5 the Appellant's list of 'protected and notable species' omits a very significant number of animals. EPR surveys of the site for mammals were limited to bats,

hazel dormice and badgers, providing no reliable record of the 21 species logged with KMBRC, including 2 mammals protected under Section 41 of the NERC Act or as BAP Priority terrestrial species. At least 9 species of bat have been registered, including 4 BAP and Section 41 species. Also recorded for the site are 6 BAP Priority or Section 41 reptiles and amphibians (including assemblages of great crested newts of county importance) – plus 64 bird species, 17 of them ‘Red listed’ as of highest conservation priority, 15 ‘Amber listed’ and 12 protected under Section 41 – also 183 invertebrates including 2 Section 41 species.

In other words, the site supports – and sections 7.5.49-7.5.51 of the Appeal conceal – a quite unusually rich variety of ‘protected and notable’ animal species.



Protected species present : European polecat, spotted flycatcher, great crested newt, small heath butterfly.
(Tenterden residents' photographs)

In 7.5.52 and 7.5.53 the Appellant summarises on the basis of their ES that, rather than proving ecologically destructive, the development will provide a mechanism whereby the nature conservation value of the site can be enhanced long-term – adding that the ‘harm’ asserted by local planning authorities in their rejection of the plan is ‘unjustified’.

The Tenterden Nature Partnership submits to the contrary that the Appellant has consistently misrepresented the true value of the site in terms of its contribution to the landscape and biodiversity of the town and parish. Considering the current climate crisis and acknowledged need for drastically reducing emissions, it should be noted that the Appellant has made no mention of the appreciable amounts of CO₂ which this development, involving the removal of large numbers of trees and shrubs, the disruption of ancient meadowland and wetland, and the dredging of ponds and ditches which have stored carbon over millennia, would release into the atmosphere. Nor of the effect of such ecological destruction on the site’s ability to sequester carbon in the immediate future. Nor of its immediate effect on a delicately balanced ecosystem proven to support a variety of already threatened species.

More than 530 objections to this second application for a major development on this ecologically important local site have been submitted. The people of Tenterden recognise its vital role in nature recovery, as a surviving area of wildlife-rich unimproved lowland grassland – more than 97% of which is believed to have been lost to our landscape over recent decades.

The Tenterden Nature Recovery Partnership (TNRP) is a voluntary group of Tenterden residents, working with the Kent Wildlife Trust and principles set out in Kent Nature Partnership’s Biodiversity Strategy 2020-2045, with the declared primary objective of halting the decline and reversing the current trend of habitat and species loss, to ensure that the parish of Tenterden is in a favourable, resilient condition with key habitats and species flourishing.